

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12<sup>th</sup> DAY OF NOVEMBER 2008, AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **ADD TO THE AGENDA – ADDENDUM #1**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously, the addendum dated November 12, 2008 was added to the agenda under Closed Meeting as follows:

Section 2.2-3711      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

#### **1. Boundary Line Adjustment – Town of Christiansburg**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
William H. Brown	
Gary D. Creed	
Doug Marrs	
Annette S. Perkins	

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
    1. Towing Advisory Board
    2. Workforce Investment Board (WIB)
    3. Board of Zoning Appeals (BZA)
  - (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
    1. Montgomery County Government Center
    2. Courthouse Property
  - (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
    1. Boundary Line Adjustment – Town of Christiansburg

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

#### **OUT OF CLOSED MEETING**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

#### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

#### VOTE

##### AYES

Doug Marrs  
Mary W. Biggs  
James D. Politis  
John A. Muffo  
Gary D. Creed  
William H. Brown  
Annette S. Perkins

##### NAYS

None

##### ABSENT DURING VOTE

None

##### ABSENT DURING MEETING

None

#### INVOCATION

Chair Perkins took this time to reflect upon all the veterans who have served this nation and asked that everyone remember and thank them. Veterans Day was celebrated on November 11, 2008.

A Moment of Silence was lead by Chair Perkins.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

#### DELEGATION

##### Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County.

VDOT – Responds to the Declining Economy - Mr. Clarke reported that David Ekern, Commissioner of the Commonwealth Transportation Board, provided a report on VDOT's response to the challenges of a declining economy to the CTB on October 15, 2008. To summarize the report, VDOT is looking at an estimated reduction in revenues totaling \$2.4 billion in the next 6 years. VDOT is looking at reducing the number of VDOT residency offices and shops/repair facilities, as well as reducing staff from 8,400 employees to 7,500 employees. VDOT will also be looking into reducing their services and programs across the Commonwealth. They will be evaluating all services provided through contract spending and services provided by VDOT, such as snow and ice removal, roadside maintenance, and striping/signing/roadway lighting. Mr. Clarke reported that VDOT will be finalizing their plan to address revenue shortfall and implementation of the plan is to be completed in 24 months.

### Other Road Matters:

Wayside Drive – Installation of Signs: Mr. Clarke reported that a “Watch For Children” sign and a “School Bus Stop Ahead” sign have been installed on Wayside Drive at the request of the Board of Supervisors. The Board of Supervisors requested signs be installed for the safety of a blind child who resides on Wayside Drive.

Paving – Countywide: VDOT has completed paving for the 2008 season. They are completing the overlay in the Pilot area this month.

### Board Members’ Issues/Concerns:

Supervisor Creed asked for a start date on Mt. Pleasant Road. Mr. Clarke advised Supervisor Creed that the advertisement date is scheduled for the Spring of 2009 and that a resolution from the Board of Supervisors designating Mr. Pleasant a rural rustic road is required, which can be added to the Board’ agenda next month.

Supervisor Brown voiced his appreciation to VDOT for applying gravel on Norris Run Road; however, this road still needs attention, as there are a lot of washboard areas on the road.

Supervisor Marrs asked if VDOT is going to pave Crab Creek Road this year. Mr. Clarke replied that Crab Creek Road is on the County’s Revenue Sharing program to provide an overlay to portions of this road. VDOT is preparing/grading this road this week and will do the overlay if weather permits.

Supervisor Marrs asked for an update on Woodrow Road - Mr. Clarke replied that VDOT is still working on this road and is preparing to grade it.

Supervisors Marrs stated he noticed ditching work along I-81 from Christiansburg to the Roanoke County line and asked what kind of work was VDOT doing on I-81. Mr. Clarke explained that this is part of VDOT’s installation of fiber- optic cable along I-81.

Supervisor Perkins requested an update on Craig Creek Road. Mr. Clarke responded that Craig Creek Road is also in the County’s Revenue Sharing program for upgrades. VDOT is in the process of working on the road.

### **PUBLIC ADDRESS**

Don Robertson addressed the Board regarding two items of concern. 1) Antique Vehicles - Mr. Robertson expressed concern with citizens paying the full rate of \$23.50 for the vehicle license fee on antique vehicles. He asked that the Board of Supervisors consider reclassifying antique vehicles in order to give citizens a tax relief on the vehicle license fee. Before the elimination of the vehicle decal there was a provision that citizens only paid ten dollars for antique vehicles, not the full twenty dollars. 2) Proposed Elliston Park beside the Elliston Volunteer Fire Department – Mr. Robertson expressed concern with the proposed park in Elliston being constructed next to the Elliston Volunteer Fire Department located in the Elliston/Lafayette Industrial Park. He believes a park should not be situated inside an industrial park near manufacturing businesses. He urged the Board to find a more suitable location for the park, such as the property of the old Elliston/Lafayette Elementary School. This property will become vacant when the new school is built and will be ideal for a park. Mr. Robertson also believes the truck traffic to be a safety hazard and will only be worse when the NS Intermodal Facility is built, as it will increase truck traffic. He urged the Board to consider both of these requests.

Mona O’Connell addressed the Board regarding concerns of misconduct by Christiansburg High School officials pertaining to her daughter. Ms. O’Connell requested the Board of Supervisors to conduct an investigation regarding allegations against her daughter made by Christiansburg High School officials.

The following email was entered into the record from Janet Niewald regarding the proposed telecommunications tower on Den Hill Road, Blacksburg.

“To the Montgomery County Board of Supervisors:

This note is in regards to the proposed cell tower to be located in Ellett Valley, just below High Top Mt. I feel fortunate to have heard about this proposal – I am sure that notice of it has slipped by many concerned citizens who live in Ellett Valley.

This site, as I understand it, is adjacent to the existing cell tower on a hill just north of Foodtime in Ellett, just below the ridge of High Top. The existing tower there is about 80’ high, I believe. The proposed second tower would be half again as high at about 120’. And, importantly, there would be a strobe light atop this new tower since it would be so high, and is on an air path to the Blacksburg airport.

One of the great virtues of living in Ellett Valley is that, despite lights in town and on the Tech campus, we can see all the stars at night. It has been a glorious year for stars, and having a new puppy, I have seen a lot of that glory.

I dread to envision what a strobe light would do to our night sky. For people living under or next to the new tower, it would be horrible, and would likely reduce their property values. Most of us in Ellett Valley would experience some of the light pollution, and for many of us, it would ruin the great views we have sought to maintain.

Why can’t all the cell phone companies work together to share the existing tower? I know that the propose tower would serve 2 companies, and that a different company used the existing tower. Is there a real reason that the existing tower could not be used by all 3 companies?

If not, then please insure that this new tower is low enough to forego the strobe light. It is a terrible idea affecting a lot of people, and would destroy part of what makes our valley so special.

I have to work tonight so cannot be at this meeting-Please make my voice heard!

Thank you,  
Janet Niewald  
1449 Luster’s Gate Rd., Blacksburg, Va 24060”

There being no further speakers, the public address session was closed.

### **ADD TO THE AGENDA - ADDENDUM #2**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, Addendum #2 dated November 12, 2008 was added to the agenda under New Business:

E. SUBJECT: Authorization to participate in HGAC Interlocal Contract for Cooperative Purchasing – Blacksburg Rescue Squad

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

### **CONSENT AGENDA**

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated November 12, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
William H. Brown	
Doug Marrs	
Annette S. Perkins	

**Approval of Minutes**

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously, the minutes dated September 8, 2008 were approved.

**A-FY-09-43  
CLERK OF CIRCUIT COURT  
TECHNOLOGY TRUST FUND**

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$6,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$6,000

Said resolution appropriates funds received from the Technology Trust Fund to cover the cost of the land records indexing system in the Clerk of Circuit Court Office.

**A-FY-09-44  
SHERIFF  
RECOVERED COSTS**

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

320	Sheriff – County	\$21,973
321	Sheriff – Grants	<u>\$ 1,420</u>
	Total	\$23,393

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$21,790
419104	Confiscation	<u>\$ 1,603</u>
	Total	\$23,393

Said resolution appropriates recovered costs and confiscation funds for use by the Sheriff's department.

**OLD BUSINESS**

**R-FY-09-53  
SPECIAL USE PERMIT  
LAWRENCE S. ESTES (AGENT: AT&T)  
FOR THE PURPOSE OF ALLOWING  
A 120 FOOT TELECOMMUNICATIONS TOWER  
PARCEL ID #006179, TAX MAP NUMBER 68-A-145  
CONTINUED**

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Lawrence S. Estes (Agent: AT&T) request for a Special Use Permit on 44.923 acres in Agriculture (A-1) zoning district to allow a 120 foot tall telecommunications tower located at 906 Den Hill Road is hereby continued until the November 24, 2008 meeting in order for the agent to evaluate two identified existing non-telecommunication tower sites located on High Knob.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

**NEW BUSINESS**

**R-FY-09-54  
COUNTY'S PERSONNEL POLICES AND PROCEDURES  
TABLED**

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the revisions to the County's Personnel Policies and Procedures is hereby tabled until the November 24, 2008 meeting in order for staff to provide additional language to Section 8.7 Bereavement Leave.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
William H. Brown	
Gary D. Creed	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
Annette S. Perkins	

**R-FY-09-55  
AMENDMENT TO THE MEMORANDUM  
OF UNDERSTANDING BETWEEN MONTGOMERY COUNTY AND  
FRIENDS OF ANIMAL CARE AND CONTROL (FACC)**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors adopted a Memorandum of Understanding (MOU) at its March 26, 2007 meeting with the Friends of Animal Care and Control for a volunteer service program to assist the County in providing services to its animal shelter program; and

WHEREAS, Following a review of the memorandum several revisions are needed to address changes in the Volunteer Worker Requirements/ County Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby amends the Memorandum of Understanding between Montgomery County and the Friends of Animal Care and Control.

BE IT FURTHER RESOLVED, That B. Clayton Goodman, III, County Administrator, is authorized to execute the Memorandum of Understanding on behalf of Montgomery County.

A copy of said MOU is attached and made a part of this resolution.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

**Memorandum of Understanding  
between  
Montgomery County and Montgomery County Friends of Animal Care and Control**

This Memorandum of Understanding, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between Montgomery County heretofore defined as “Owner” and Montgomery County Friends of Animal Care and Control Inc. (FACC) heretofore defined as “Volunteer Organization” .

**W I T N E S S E T H**

Whereas, Montgomery County has been operating the existing Animal Shelter for many years, and has housed, cared for, disposed and offered for adoption dogs from the community; and

Whereas, on March 26, 2007 Montgomery County and FACC entered into a Memorandum of Understanding for which the Volunteer Organization agreed to provide personnel service to extend and improve hours of operations at the County Animal Shelter and increase adoptions using appropriate means; and

Whereas, the Volunteer Organization wishes to continue to provide volunteer service hours to enable Montgomery County to extend and expand its present Animal Shelter operations in order to provide the public with more office hours during which dogs may be delivered and/or adopted in accordance with County policies; and provide necessary dog adoptability evaluation via approved temperament testing procedures; and

Whereas, both parties wish to amend the March 26, 2007 Memorandum of Understanding by adopting their new Memorandum of Understanding which has changed the prior Memorandum of Understanding by having the County conduct background checks on the volunteers working in the Animal Shelter and the Volunteer Organization providing the required training for the volunteers.

NOW, THEREFORE, In Consideration of the mutual covenants herein contained and subject to the conditions set forth, the parties mutually covenant and agree as follows:

Article I

Definitions

These sections will be jointly developed. The proposed advisory joint committee is proposed.



## Advisory Joint Committee

To enforce the terms of the Agreement, the two parties agree to establish an Advisory Joint Committee comprised of the following membership:

1. County Administrator or designee
2. County Engineer or designee
3. General Services Manager or designee
4. Chief Animal Control Officer or designee
5. FACC President or designee
6. FACC Member / FACC Executive Planning Committee designee
7. FACC Member / FACC Executive Planning Committee designee

The purpose of this Committee is to hold meetings as needed to facilitate communications between the two organizations and to address any questions regarding this Agreement and the operations of the Animal Shelter.

## Article II

### Section 2.1 Advisory Board Responsibilities

This will need to be expanded, but as a minimum, the advisory committee shall:

- Hold regular *monthly or* quarterly meetings as needed and establish means to hold emergency meetings as required.
- Participate in the new Animal Shelter financing, fundraising, and construction design.
- Consider hours of operation for the current and new Animal Shelter.
- Review county, state and any other reports pertaining to the Animal Shelter, before their release.
- Participate in development of the Animal Shelter budget.
- Participate in the establishment of Animal Shelter fees; including but not limited to dog license and impound fees.
- Review monthly financial reports.
- Review monthly shelter statistics; including, but not limited to intake, adoption, and euthanasia numbers.
- Provide updates to the current Board of Supervisors, as required..
- Review and approve current or planned Animal Shelter Standard Operating Procedures (SOP) including development of a Disaster Preparedness Plan for the animals at the shelter or in need of assistance

## Article III

### Section 3.1 Volunteer Worker Requirements/County Requirements

As minimum, this section would include the following:

- Volunteers will be prescreened by the volunteer organization, using a volunteer questionnaire approved by the Animal Control Officer including an approval process by the FACC.
- The County will conduct background checks on volunteers serving in a supervisory capacity.
- The County and volunteer organization will agree upon a current set of Standard Operating Procedures for the shelter and program.
- The FACC will provide mandatory training for volunteers. This should be defined in the Standard Operating Procedures. Volunteers will need to agree with confidentiality of records and business transactions to protect the general public.
- A complete list of volunteer names shall be kept on file and readily available for review.
- All volunteers shall be familiar with the State Animal Control Ordinance as it pertains to canine, canine housing, and canine adoption; and shall by personal signature, acknowledge their understanding of the ordinances.
- County will provide general safety equipment required for Animal Shelter operations, but the volunteers will be required to provide their own safety clothing. (ear plugs, gloves, aprons, etc)
- Volunteers shall only handle those animals that are deemed by the Animal Control Officer as eligible for adoption. Any animal in the Animal Shelter that is not currently eligible for adoption shall only be handled by the Animal Control Officer.
- The County shall provide liability insurance for any volunteer for any work done pursuant to this Memorandum of Understanding. Volunteers shall not be insured for any

action outside the scope of this Memorandum of Understanding or for any acts deemed to be gross negligence. The volunteers are regarded as independent contractors under this Memorandum of Understanding and are not County employees. As independent contractors the Volunteers are not eligible for coverage under Montgomery County's Workers Compensation Insurance Program.

- Volunteers will indemnify the County from any suit arising from normal volunteer services.
- The Volunteer organization agrees to provide the County with sufficient volunteers to staff the expanded Animal Shelter adoption hours as approved by the Volunteer organization and County. Volunteer organization will provide expanded hours for Saturday only. Volunteer organization *may* expand to Sunday and weekday hours as the program expands.
- Volunteers will not be asked to clean the facility except for incidental cleaning which may be required to show or adopt an animal.
- Trained Volunteers, working with Volunteer coordinator (or designee by Advisory Committee), will be allowed to evaluate and handle animals at the Animal Shelter.
- Trained Volunteers will be allowed to show animals to prospective families upon full temperament evaluation and approval by Chief ACO.
- Volunteer organization will be asked to assist the County in establishing appropriate spay and neuter program.
- Volunteer organization will be asked to assist the County in addressing feral cat issues until such time the County may be able to institute a feral cat program.
- County will provide access to Animal Shelter as agreed to by both parties listed in the Agreement. Such hours will be a minimum of 1 hour prior to and after expanded shelter hours.
- County will provide to the Volunteer Organization, a minimum of 2 access keys to the Shelter facilities and access point needed (gates). Volunteer organization will limit use of keys to FACC Executive Planning Committee or appropriate designee.
- County will agree to regular facility maintenance as required and consider additional facilities improvement proposed by Advisory Committee.
- Volunteers will not be required to provide maintenance, financial, or general service of County Animal Shelter.
- Volunteers who have questions or concerns are to voice those concerns to the Volunteer Coordinator not Animal Control Officer.

MONTGOMERY COUNTY

\_\_\_\_\_  
B. Clayton Goodman, III  
County Administrator

Date: \_\_\_\_\_

FACC

\_\_\_\_\_  
Name (please print)  
Title

Date: \_\_\_\_\_

Seen and approved as to form and legal sufficiency:

\_\_\_\_\_  
Martin M. McMahon  
County Attorney

**R-FY-09-56  
APPOINTMENTS  
WESTERN VIRGINIA REGIONAL  
JAIL AUTHORITY**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the following to the Western Virginia Regional Jail Authority effective January 1, 2009 and expiring December 31, 2009:

Sheriff Tommy Whitt  
Doug Marrs, Board of Supervisors  
B. Clayton Goodman, III, Staff Member

Captain Robert L. Hall (alternate)  
Gary D. Creed (alternate)  
L. Carol Edmonds (alternate)

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That all annual appointments to the Western Virginia Regional Jail Authority shall be made by the Board prior to January 1 of the effective year.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed  
Mary W. Biggs  
Doug Marrs  
James D. Politis  
John A. Muffo  
William H. Brown  
Annette S. Perkins

NAY

None

**R-FY-09-57  
SMOKE FREE INDOOR AIR RESOLUTION**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, Secondhand smoke kills at least 35,000 non-smokers nationally and approximately 1,000 in Virginia each year; and

WHEREAS, A 2006 report by the U.S. Surgeon General has concluded that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke and that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, Designated smoking sections do not eliminate non-smokers exposure to secondhand smoke nor protect the employees of these establishments; and

WHEREAS, According to the U.S. Surgeon General, the only way to fully protect employees and the public from the hazards of secondhand smoke is to create smoke-free environments; and

WHEREAS, Smoke-free air regulations are public health issues; and

WHEREAS, Local and state governments throughout the country have successfully passed smoke-free air laws to protect people against the harmful effects of secondhand smoke; and

WHEREAS, The Board of Supervisors of Montgomery County desires to protect the health, comfort and working environment of its residents and employees as they may be affected by smoking in various public places in the County; and

WHEREAS, The General Assembly of the Commonwealth of Virginia has neither passed statewide smoke-free legislation nor provided Virginia localities the legal authority through legislation to pass local smoke-free policies.

NOW, THEREFORE, BE IT RESOLVED, That Montgomery County endorses:

- The enactment of smoke free air legislation that will restrict smoking in all public indoor environments and workplaces, thereby protecting all Virginians from further health risks.
- OR the enactment of legislation which would empower this locality to enact a smoke free air ordinance at the local level.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

**R-FY-09-58**  
**AUTHORIZATION TO PARTICIPATE IN**  
**HGAC INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities; and

WHEREAS, The Blacksburg Rescue Squad wishes to purchase a Rescue Vehicle off the H-GAC contract.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes Montgomery County to participate in the H-GAC contract.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

**RECESS**

The Board took a 10 minute recess at 9:00 p.m. and reconvened at 9:10 p.m.

**INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Annual/Biennial Reassessment

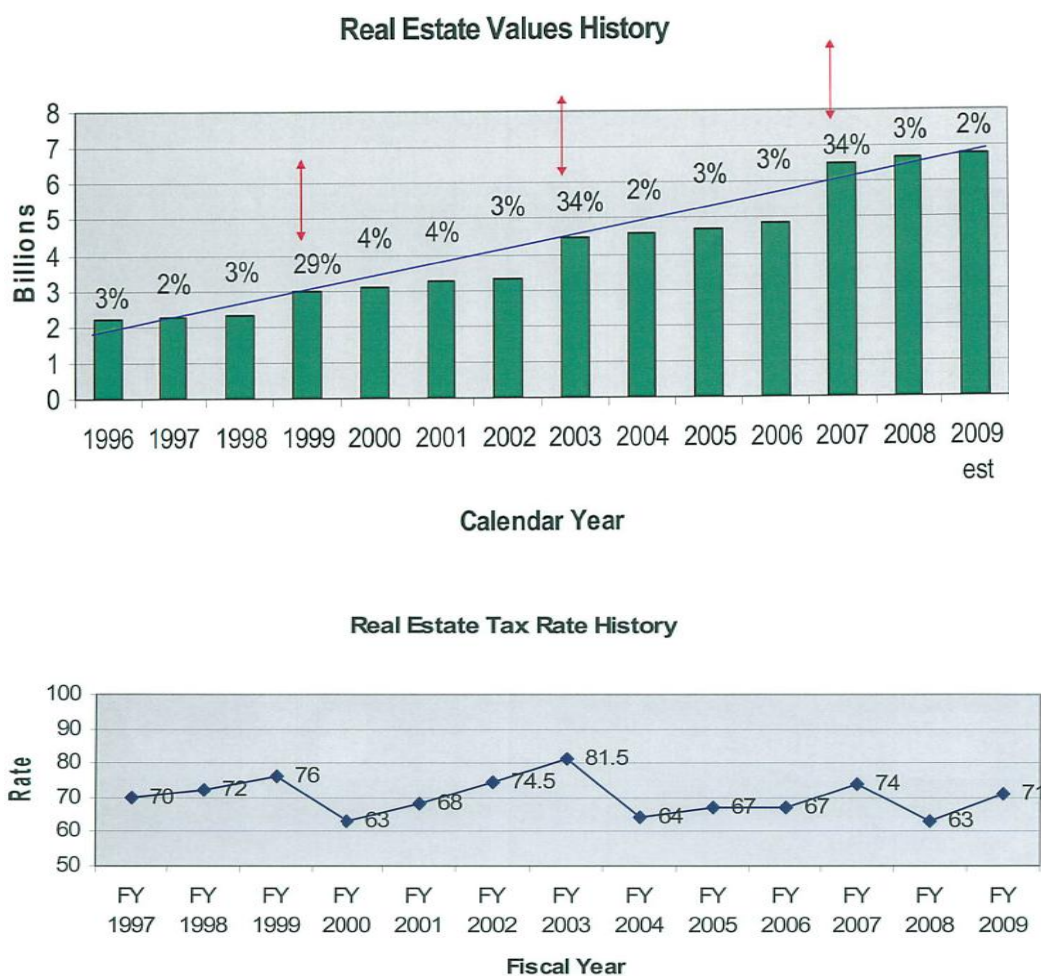
The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
James D. Politis	
John A. Muffo	
William H. Brown	
Gary D. Creed	
Mary W. Biggs	
Annette S. Perkins	

#### Reassessment – Annual/Biennial

Carol Edmonds, Assistant County Administrator, made a presentation on the upcoming reassessment process and annual assessment versus biennial assessment. Ms. Edmonds reported that state law requires counties to have a general reassessment every four years unless the population is less than 50,000. While every four years is required, reassessment annually or biennially is allowed. Montgomery County currently reassesses property every four years.

Ms. Edmonds stated that during the past two reassessments, property values increased over 30+% each reassessment. Over an 8 year period the increase would have averaged at 8% per year. Real estate values in Montgomery County spikes every four years during the reassessment process. Below is a chart showing the history of real estate values and the history of the real estate tax rate and how it is affected by reassessment:



The last reassessment was held in 2007 and the next reassessment is scheduled for 2010. The reassessment is an 18 month process with an estimated start date in April 2009 and completion by 2011. The estimated cost of this process is \$700,000.

Ms. Edmonds provided information on changing Montgomery County's reassessment from every four years to either annually or biennial. If an annual assessment is implemented then the County, based on very preliminary analysis, that the annual increase in real estate values will be 8% and a 2% increase in growth based on the past eight year history. With a 71 cent tax rate an estimated \$5 million annually may be generated. If the tax rate is lowered or the value increase

is less than 10%, the revenue generated will be less. If a biennial assesment is conducted, based on preliminary analysis, would mean an increase in real estate values of 16% over a two year period and a 2% annual growth based on the past eight years of history. With a 71 cent tax, an estimated \$9.5 million over two years from reassessed values and \$1 million from annual growth may be generated.

Many localites that conduct annual or biennial assessments have in-house staff instead of contracting an outside firm. If the Board of Supervisors considered changing the reassessment period then the Board would have to consider staff and costs of a four year assessment vs. annual or biennal. An in-house operation would increase the County's staff and operational cost, which would need to be included in the FY 10 Budget. Preliminary estimates for an annual assessment is \$272,804 per year, which includes 4 additional assessors, and \$87,000 for start up costs for a total of \$1.17 million for four years. Prelimianry estimates for biennial assement total \$214,902 per year, which includes 2 additional assessors, for a total of \$669,108 for a four year estimate.

Ms. Edmonds reported that there are several critical factors to consider such as the housing crisis, if housing values decline or stay flat and the yearly real estate growth is less than the cost of in-house operations may be more than the County's increase in real estate value. Aslo, a base tax rate would have to be established to give the County the annual growth needed to meet the demands and retain the same rate. Given the economy and real estate market, the Board needs to consider if this is the time to make a change. Will the benefits outweigh the costs, if the real estate values experience significant declines.

Ms. Edmonds summarized that the next County reassessment is required for January 1, 2011. The process requires at least 18 months plus time to procure a vendor . Therefore, the County will need to contract out the reassessment job by April 2009, begin the process in July 2009, with a completion date by January 2011.

During Board discussion some Board members suggested that the Board of Supervisors should review changing the reassessment to annually or biennial in the future. They belive that having property assessed more frequently would help eliminate the sticker shock of propery values increasing an average of 34% every four years. It will keep property values more in line with the market and property owners will see a slight adjustment more frequently than a large increase in real estate taxes every four years. Other Board members agrued that if an annual or biennial reassessment was done then there would not be the flexibility needed in controlling the real estate tax rate. If annual/biennial reassessment is implemented then the real estate tax rate would be set with no changing it.

The Board determined that due to the economy and declining housing market now is not the time to change the County's reassessment period from four years to annually or biennial; however, they requeusted that this be revisited again after the upcoming reassessment.

### **OUT OF WORK SESSION**

On a motion by John A. Muffo, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
William H. Brown	
Gary D. Creed	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

## **COUNTY ATTORNEY'S REPORT**

The Commission on Local Government will be holding a meeting to consider the Joint Economic Development and Growth Sharing Agreement between Montgomery County and the Town of Christiansburg on November 17 -18, 2008 in the Board of Supervisors Chambers. A tour of the property will be conducted during the day on November 17<sup>th</sup> and a public hearing will be held that evening. This pertains to the 47 acres in Mid-County that the Board recently approved for a boundary line adjustment with the Town of Christiansburg.

## **COUNTY ADMINISTRATOR'S REPORT**

Inmate Clean Up Project - An update on the Inmate Clean Up Project from October 21, 2008 to November 10, 2008 was provided as follows:

October 21, 2008	Price's Fork Road. One mile on each side of the consolidated site. 55 bags of trash, 12 items not bagged 1160 pounds
October 22, 2008	Harding Avenue, all roads within one mile of the consolidated site located on Lusters Gate Road. 22 bags of trash 3 items not bagged 6 tires not included in the weight 360 pounds
October 24, 2008	Tyler Road, I-81 toward Childress. 28 bags of trash 360 pounds
October 29, 2008	Tyler Road, I-81 toward Childress 35 bags of trash 11 items not bagged 8 tires not included in the weight 1060 pounds
October 31, 2008	Tyler Road, I-81 toward Childress, Route 8 one mile north of the consolidated site. 36 bags of trash 6 items not bagged 540 pounds
November 1, 2008	Route 8, consolidated site to Camp Carysbrook Road 35 bags of trash 3 items not bagged 500 pounds
November 3, 2008	Falling Branch Road to McDaniel Drive. McDaniel Drive to Christiansburg town limits. Alleghany Springs Road one mile in each direction around the unmanned trash site. 35 bags of trash 2 items not bagged 640 pounds
November 8, 2008	Cinnabar Road, cleaned entire length of the road 23 bags of trash 4 items not bagged 220 pounds
November 10, 2008	Route 11 (Radford Road) from Christiansburg Town Limits to Fire Tower Road. 36 bags of trash 7 items not bagged 560 pounds

Total Staff Hours:	62.5
Total Inmate Hours:	312.5
Total Pounds of Trash Collected:	5400

If the Board members have no additional requests for inmate clean up at this time, the Sheriff's Office has indicated they would like to complete Route 11 from Fire Tower to Radford, clean up on Rock Road and Tyler from Radford to I-81.

## **BOARD MEMBERS' REPORT**

Supervisor Muffo attended a meeting on November 3, 2008 conducted by the Virginia College of Osteopathic Medicine (VCOM) on community health centers. The meeting focused on medically underserved areas and poverty levels in Montgomery County and the need for Community Health Centers.

Supervisor Brown provided a sample copy of a Real Estate Tax Ticket from Rockbridge County, Virginia. The tax ticket provides a column that shows where tax dollars are distributed, such as for a tax payment of \$138: Schools: 43% = \$118.73, Public Safety 15% - \$41.42. Supervisor Brown suggested that Montgomery County may want to consider providing similar information on the County's real estate tax bill to provide citizens the information as to what their real estate tax money is going toward. Staff was directed to see if MUNIS, the County's financial software, was capable of allowing a column to be displayed to provide a breakdown of the tax payment.

Supervisor Biggs reported that VACo/VML Legislative Day is scheduled for February 5, 2009 in Richmond. This is where localities lobby their state representatives on issues facing localities and/or state. Supervisor Biggs stressed that the state budget is weak and believes there will be more budget cuts.

Canadian Thistle – Supervisor Biggs received a request from a citizen for the Board of Supervisors to request the State to adopt an ordinance for the control of Canadian Thistle. This citizen has reported that Canadian Thistle has taken over land areas. Staff was instructed to contact the Montgomery County Extension Office to see what kind of measures are in place or needed for control of Canadian Thistle.

Election Day – Issues with Parking at the St. Michaels Lutheran Church Voting Precinct: Supervisor Biggs reported she received several complaints regarding the parking problem on election day at St. Michaels Lutheran Church. She is aware of the significant increase in registered voters in the past month in this one precinct and asked what steps were put in place to ensure a smooth voting process for the citizens.

Staff commented that the increase in new voters was significant, and due to state regulations, there was no time to split the precinct. The Sheriff's Office and School Board are to be commended for providing traffic control and providing buses for transportation to and from the precinct.

The County Administrator noted he will pass this information along to the Voter Registrar and also suggested that he meet with the Registrar to evaluate all precincts in the County.

Antique Vehicles - Supervisor Biggs commented on the citizen's remarks under Public Address tonight regarding antique vehicles. She reported that she has received several calls and emails regarding the license fee on antique vehicles.

Supervisor Politis commented that he also received complaints about citizens having to pay the full amount of the vehicle license fee on antique vehicles. Residents used to pay \$10.00 instead of \$20.00 for an antique vehicle decal, now the cost is \$23.50 for the license fee. The Board is being asked to review the County's ordinance regarding the vehicle license fee and amend it so citizens will pay only a portion of the license fee for antique vehicles.

Supervisors Perkins reported she attended the November 3, 2008 meeting along with Supervisor Muffo regarding health care in Virginia. VCOM is seeking to establish Community Health Centers in underserved areas in southwest Virginia.



Virginia Association of Counties (VACO) adopted their 2009 legislative priorities on November 10, 2008. The biggest concern is the State's financial status and the number of services that will be cut by the State.

League of Women Voters – Breakfast with the Board of Supervisors – The League of Women Voters (LWV) would like to host a breakfast meeting with the Board of Supervisors. Board members were asked to check their calendars for a date that all members may be available. It was determined that Monday, December 8, 2008 would be convenient. Supervisor Perkins asked staff to contact the LWV with the date.

### **ADJOURNMENT**

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Wednesday, November 19, 2008 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
William H. Brown	
Gary D. Creed	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
Annette S. Perkins	

The meeting adjourned at 10:30 p.m.

APPROVED:_____	ATTEST:_____
Annette S. Perkins	B. Clayton Goodman, III
Chair, Board of Supervisors	County Administrator